

Remarks

Claims 116, 125-131 and 140-144 are presently pending in the subject application. Claims 131 and 140-144 were previously withdrawn. Reconsideration and allowance in view of the above amendments and the following remarks are respectfully requested.

Claim 116 has been amended herein to recite that the base sequence of the target binding portion of the probe is SEQ ID NO:4, its complement, the RNA equivalent of SEQ ID NO:4, or its complement. SEQ ID NO:4, which is first disclosed at page 4, lines 10-20 of the specification, is fully contained within the DNA equivalent of SEQ ID NO:3. The probe of claim 116 does not include any other base sequences which stably hybridize to nucleic acid derived from SARS-CoV under stringent hybridization conditions. In a preferred embodiment recited in claims 125 and 140, the probe consists of the base sequence of SEQ ID NO:7. *See* specification at page 4, lines 20-25. A labelled probe having the base sequence of SEQ ID NO:7 is exemplified in Example 1.

Applicants submit that the probes of the amended claims are fully patentable in view of the cited art. Accordingly, withdrawal of the Examiner's prior art rejections is respectfully requested.

Conclusion

Applicants submit that the subject application is in condition for allowance and, accordingly, early notice to that effect is respectfully requested.

Request for Continued Examination
Date: October 8, 2009

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Please charge any fees due in connection with this Request, including the fees set forth in 37 C.F.R. §§ 1.17(a) & (e), to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Respectfully submitted,

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